

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MORGAN BURGIN, <i>as next friend of</i>)	
RICHARD C. VOWELL, and)	
WANDA ANN BEELER, <i>as co-conservator of</i>)	
RICHARD VOWELL,)	
)	
Plaintiffs,)	
v.)	No. 3:11-CV-00584-CCS
)	
JOHN DOES 1-25, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER APPROVING PLAINTIFF'S SETTLEMENT
AND DISBURSEMENT OF FUNDS

This matter came to be heard on the fourteenth day of August, 2014, by consent of all the parties hereto.

Based upon the record as a whole, this Court finds:

1. All averments made by the parties in the Petition for Compromised Settlement in this case are true, accurate, and otherwise correct.
2. Pursuant to Tenn. Code Ann. § 34-1-101(13), this Court finds that the compromise and "settlement" in this case is in the "best interests" of Richard Vowell, the claimant and beneficiary.
3. This Court specifically finds Richard Vowell was mentally incompetent at the time of the incident giving rise to this settlement and at the time this settlement was approved by the Court.
4. Pursuant to Tenn. Code Ann. § 34-1-104, this Court further finds the Chancery Court of Knox County, Tennessee has appointed Wanda Ann Beeler and Morgan Burgin as the conservators of Richard Vowell, and they represent his interest.

5. The amount of the settlement does not exceed \$20,000.00.
6. The Court finds that the total settlement in the amount of \$14,000 is “appropriate” to compensate Richard Vowell for the damages he incurred.
7. This Court further finds that Wanda Ann Beeler and Morgan Burgin have been qualified by the Knox County Chancery Court as the conservator of Richard Vowell.
8. The Court further finds that the proceeds from the settlement of the claims of Richard Vowell shall be paid into the “special needs trust” held in the name of Richard Vowell, located at Y-12 Federal Credit Union, with Plaintiff Wanda Ann Beeler being the only person authorized to withdraw funds from that account. As stated on the record, the funds paid to Mr. Vowell’s trust are to be used for his needs –clothing, food, utility bills, etc.

It is therefore considered and **ORDERED** by the Court that said compromise and settlement be and the same is hereby approved, authorized, and ratified.

It is further **ORDERED** that Wanda Ann Beeler and Morgan Burgin be authorized and directed to execute the Release of All Claims. As set forth in the Release of All Claims, the total amount of the settlement is \$14,000.00. This amount less attorneys’ fees¹ in the amount of \$5,600 and less a Medicare lien in the amount of \$18.00² will be paid to the special needs trust. It was represented to the Court that a total of \$8,381.96 will be deposited into Mr. Vowell’s special needs trust. Ms. Wanda Ann

¹ It was represented to the Court that the fees represented compensation for both Ms. Ursula Bailey and Mr. Cosmo Tedone.

² It was represented to the Court that Ms. Beeler has been informed that Medicare may revise its lien after the funds have been deposited in Mr. Vowell’s trust, and if such revision were made, Ms. Beeler would likely be required to pay the additional lien out of the trust money.

Beeler and Ms. Morgan Burgin, as co-conservators, are responsible for directing that these funds be solely used for the benefit of Richard Vowell.

It is further **ORDERED** that the Defendants, John Does 1-25, Knoxville Police Department and the City of Knoxville, Tennessee, upon the execution of the Release, of All Claims, shall be dismissed with prejudice from any claims Richard Vowell, or anyone acting on his behalf, has or might have against them for the incident of December 22, 2010.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

Submitted for approval by

/s/ Ursula Bailey
URSULA BAILEY, BPR# 020616
Law Office of Ursula Bailey
422 S. Gay Street, Suite 301
Knoxville, TN 37902
(865) 522-9943

/s/ Ronald E. Mills
RONALD E. MILLS, BPR# 013348
Deputy Law Director
City of Knoxville
400 Main Avenue, Suite 699
Knoxville, TN 37902
(865) 215-2050